



**BOARD OF ZONING APPEALS**  
**City of Hampton, Virginia**

**CHAIRMAN:** Thomas J. (Tom) Savage, Jr.

**VICE-CHAIRMAN:** Burnett (Burnie) Peters

**BOARD MEMBERS:** John C. (Jack) Pope; Rodney Gentry;  
Linda Ellis; Tim Smith, Alternate

**MEETING AGENDA**  
**November 4, 2013, 5:00 PM**  
**Hardy Cash Conference Room**

**I. Roll Call**

**II. Minutes of the October 7, 2013 Meeting**

**III. Public Hearing Items**

- A. VA13-00023: Raymond H. Robinson, 2901 N. Armistead Avenue., LRSNs 6000807, 6000806 and a portion of 6000805,** a variance to increase the maximum square footage of a wall sign from 70 square feet to 97.5 square feet and to increase the maximum square footage of a freestanding pylon sign from 90 square feet to 97.77 square feet at a proposed retail establishment

**IV. Additional Items**

- A. Consideration of reappointment** of Ms. Linda Ellis to serve a new term on the Board of Zoning Appeals. Ms. Ellis's current term expires on December 31, 2013.

**V. Adjournment**

AT A REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF ZONING APPEALS OF THE CITY OF HAMPTON, VIRGINIA, HELD IN THE HARDY CASH CONFERENCE ROOM, CITY HALL, 22 LINCOLN STREET, AT 5:00 P.M. ON MONDAY, **October 7, 2013.**

**Present:** Chairman Thomas Savage, Vice-Chairman Burnett Peters, Board Members Linda Ellis, Rodney Gentry, and Alternate Tim Smith. Also present were Zoning Official Melissa Sajid, Senior Deputy City Attorney Lesa Yeatts, and Recording Secretary Angela Leflett.

Chairman Savage called the meeting to order and asked that the minutes of the September 16, 2013, meeting be considered. A motion was made by Board Member Gentry and seconded by Vice-Chairman Peters that the minutes be approved as written.

A roll call vote on the motion resulted as follows:

AYES:	Ellis, Gentry, Peters, Savage
NAYS:	None
ABSTAIN:	Smith
ABSENT:	Pope

**VA13-00022: Wendy's International, Inc., 5113 West Mercury Boulevard, LRSN 3002550**, a variance to increase the total number of allowable drive-through menu board signs from 1 to 2 and to increase the maximum overall height of a drive-through menu board sign from 6' to 6.25' to allow a second menu board sign at an existing restaurant.

After all witnesses were sworn in by the court reporter, Zoning Official Melissa Sajid stated that the staff recommendation regarding the application to increase the total number of allowable drive-through menu board signs from 1 to 2 and to increase the maximum overall height of a drive-through menu board sign from 6' to 6.25' to allow a second menu board sign at an existing restaurant is that it be denied due to the inability to meet the required criteria for a hardship as set forth in the Zoning Ordinance and the Code of Virginia.

The agent, Mr. Queen, presented his case to the Board.

After discussion, a motion was made by Board Member Gentry and seconded by Vice-Chairman Peters that a hardship exists and; the variance should be approved because:

1. The strict application of the ordinance would produce undue hardship relating to the property; and
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

3. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and
4. Granting of the variance is in harmony with the intended spirit of the ordinance.

A roll call vote on the motion resulted as follows:

AYES:	Ellis, Gentry, Peters, Savage, Smith
NAYS:	None
ABSTAIN:	None
ABSENT:	Pope

There being no further business to come before the Board, the meeting was adjourned at 5:20 p.m.

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Thomas Savage, Chairman



# CITY OF HAMPTON· BOARD OF ZONING APPEALS

## STAFF EVALUATION

**Meeting Date**  
November 4, 2013

**Prepared By:** Jeff Conkle, Senior Zoning Official  
**Reviewed By:** Steve Shapiro, Zoning Administrator

728-5229  
727-6246

**Case Type:** Variance  
**Case Number:** VA13-00023  
**Owner:** Raymond H. Robinson  
**Applicant:** Doug Collins, Scotty Signs

**Location:** 2901-2905 N. Armistead Ave.  
(LRSNs 6000807, 6000806 & a portion of 6000805)  
**Zoning District(s):** M-4A & M-4B Langley Flight Approach—Land Intensive Manufacturing Dist.

### Request

Variance to increase the maximum square footage of a wall sign from 70 square feet to 97.5 square feet and to increase the maximum square footage of a freestanding pylon sign from 90 square feet to 97.77 square feet at a proposed retail establishment

### Applicable Zoning Ordinance Section(s)

Ch. 18.1, Sec. 18.1-15 "Table of Basic Design Elements" for signs

	Wall/Window Signs	Ground-mounted, Freestanding Signs	Other Freestanding/Pylon Signs	Total Sign Area Per Street Frontage
<i>Zoning of Property:</i> C-2, C-3, M-1, M-2, M-3, M-4, M-5B or M-5D  <i>Contiguous Zoning:</i> C-1, C-2, C-3, M-1, M-2, M-3, M-4, M-5B or M-5D	1 square foot per linear foot of building frontage; 1.5 square foot per linear foot of building frontage located at least 400 feet from a public right-of-way	Maximum area—90 square feet  Maximum height—12 feet	Maximum area—90 square feet  Maximum height—22 feet	

### Evaluation

Staff has reviewed the application as it relates to the four criteria for approval set forth in Ch. 22 of the Zoning Ordinance and finds the following:

Criteria	Finding
1. The strict application of the ordinance would produce undue hardship relating to the property	Does not meet
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity	Does not meet
3. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changes by the granting of the variance	Does not meet
4. Granting of the variance is in harmony with the intended spirit and purpose of the ordinance.	Does not meet

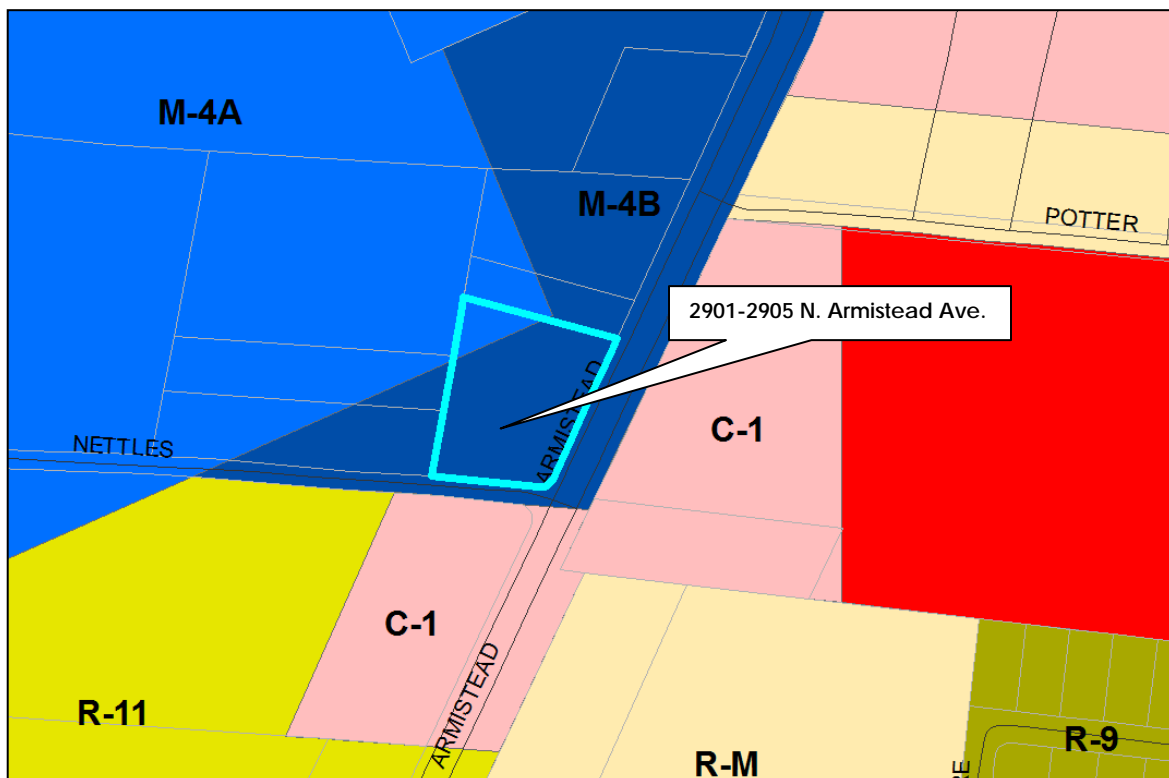
### Recommendation

Staff recommends denial of this application due to its inability to meet the criteria as stated.

Aerial Map



Zoning Map





Application for  
**Board of Zoning Appeals**

Complete this application in its entirety and submit along with the required materials (listed in Step 2 below) to the following address:

City of Hampton, Community Development Department  
22 Lincoln Street, 3rd Floor  
Hampton, Virginia 23669

OFFICE USE ONLY  
Date Received:

**RECEIVED**

SEP 17 2013

BY: [Signature]

Case Number:

VA SX / AZ / AC 13-00023

Application for (check one):

☒ variance (VA)

☐ special exception (SX)

☐ appeal of the zoning administrator's or  
zoning administrative officer's decision (AZ)

☐ appeal of the Chesapeake Bay  
Review Committee's decision (AC)

**1. PROPERTY INFORMATION**

Address or Location 2901 Armistead Ave

LRSN 6000807, 6000806  
6000805 - PORTION

Zoning District M-4A + M-4B - VARIANCE IN M-4B

Current Land Use VACANT LAND

Proposed Land Use Retail

03 09/17/2013 15:33 048364 PLU  
VARIANCE \$250.00  
VICTORIA

The proposed use will be at/in:

☐ an existing building

☐ a new addition

☐ a new building

**2. SUBMITTAL REQUIREMENTS & DETAILS**

All applications must include: (1) a recent survey plat of the property; (2) application fee of \$100 for single-family residential uses, \$250 for all other uses, payable to the City of Hampton; (3) a brief written description of request (use following space or submit as a separate document);

Description of request:

- 1.) Install one 97.5 square foot wall sign on elevation of building that measures 70 foot across.
- 2.) Install one 97.77 square foot Freestanding sign.

and (4) the following:

**Variance**

· For requests relating to signage, submit plans showing detail of the sign type, size, design, and location

**Special Exception**

· Day Care  
Supplement form

**Appeal of the Zoning Administrator's Decision or  
Appeal of a Zoning Administrative Officer's  
Decision**

· In the description of request, include the date of the decision being appealed and the reason for appeal

*Additional information may be required at the Zoning Administrator's discretion*

*Development of any property is subject to compliance with all applicable codes, regulations and ordinances, regardless of whether such is specified in a Board of Zoning Appeals approval*



**3. PROPERTY OWNER INFORMATION**

An individual or a legal entity may be listed

Owner's Name RAYMOND H. ROBINSONAddress 21 EDWARDS RDCity POQUOSON State VA Zip 23662

Phone \_\_\_\_\_

Email \_\_\_\_\_

**5. APPLICANT INFORMATION**

(if different from owner)

Applicant's Name Doug CollinsAddress 5948 Jefferson AveCity North News State VA Zip 23605Phone 757-245-7129Email doug@scottysigns.com**4. AGGRIEVED PARTY INFORMATION (if applicable)**

An individual or a legal entity may be listed

Aggrieved Party \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**6. APPLICANT AGENT INFORMATION**

(if different from applicant)

Agent's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**7. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS**

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 3 above.

"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of entity (attach additional page if necessary):

Name of Legal Entity \_\_\_\_\_

Signed by: Name (printed) \_\_\_\_\_ Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_ Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**8. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS**

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Signed by: Name (printed) RAYMOND H. ROBINSON, OWNERSignature Raymond H. Robinson Date 29 Aug 13

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Corporate  
Property  
Owners  
Only

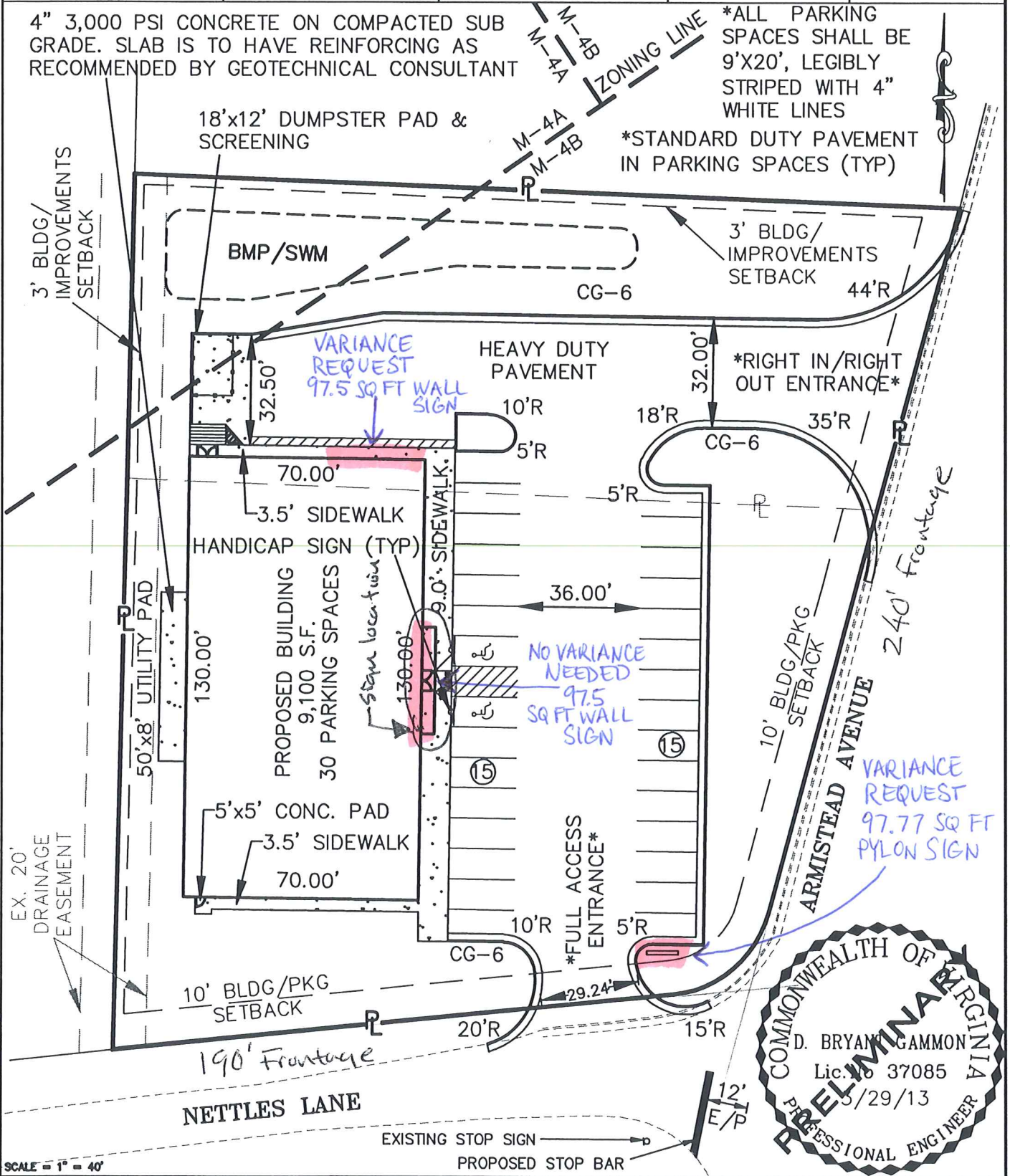
Private  
Property  
Owners  
Only



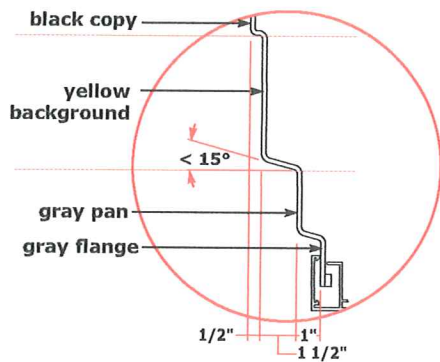
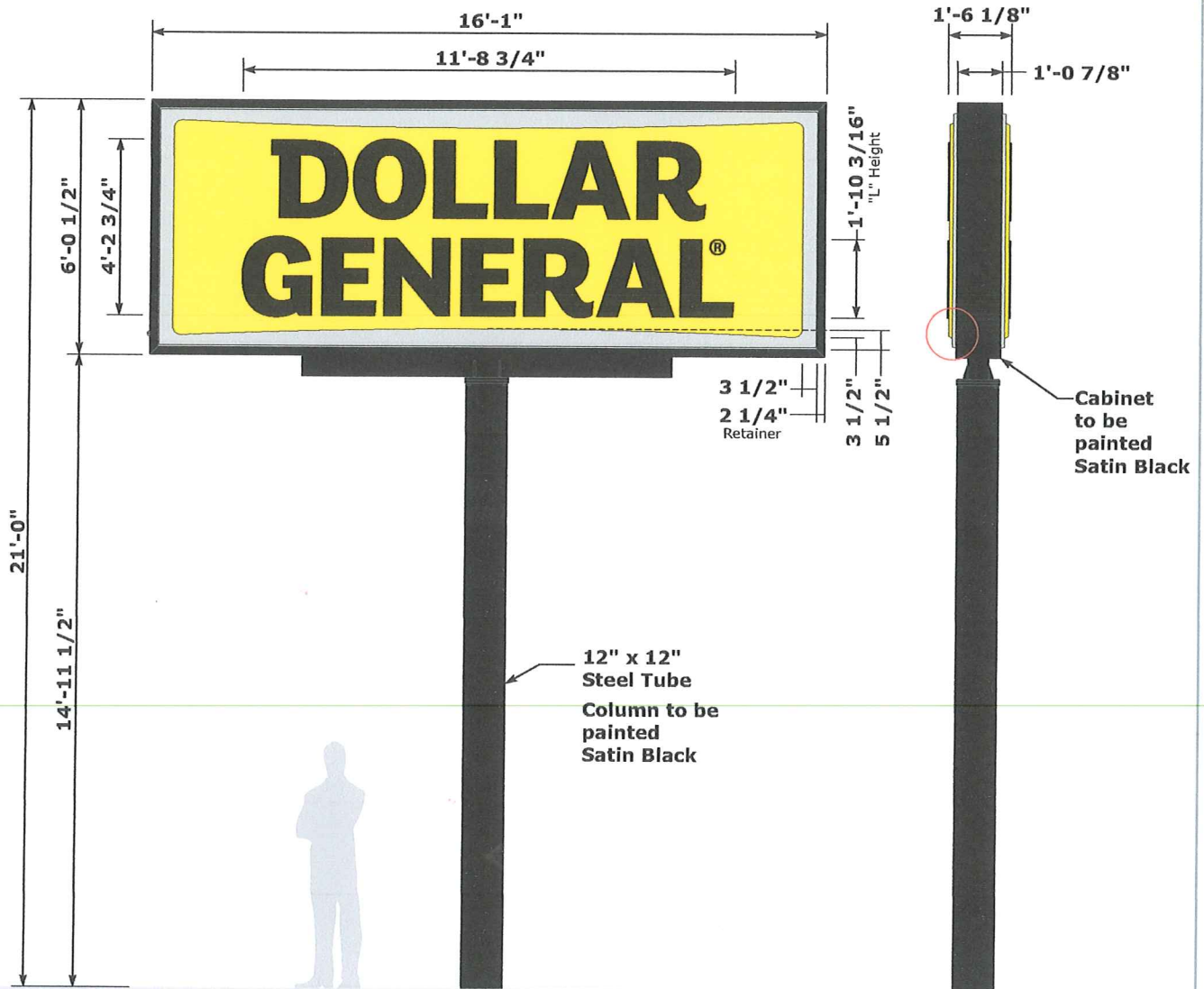
# PRELIMINARY SITE PLAN

CITY, STATE - STREET:  
Hampton, Virginia - ARMISTEAD AVENUE

PROTOTYPE: D	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 9,100 SF	COMPANY: PAR 5 DEVELOPMENT	COMPANY: HIGHMARK ENGINEERING	3/29/13
ACREAGE: 1.21± ACRES	NAME: LEE PITTMAN	NAME: D. BRYANT GAMMON, P.E.	
PARKING SPACES: 30	PHONE #: (910) 944-0881	PHONE #: (804) 895-2875	



P96 HWL



FACE EMBOSSEMENT DETAIL

TOTAL SQ FT  
97.77

SQUARE FOOTAGE
ACTUAL
97.17 sq. ft.

COLOR SPECIFICATIONS	
Yellow:	match Spraylat C8-2633
Brushed Aluminum:	match Spraylat FM-171
Black (Copy):	match Spraylat Black
Satin Black (Metal):	match Black Polyurethane
Cool Gray:	match PMS Cool Gray 5
Rock Bottom Gray:	match Sherwin Williams SW7062
Green:	match PMS 368C

**DOLLAR  
GENERAL**

File Name: Dollar General Cutsheets 2013

Project #: 13-0181

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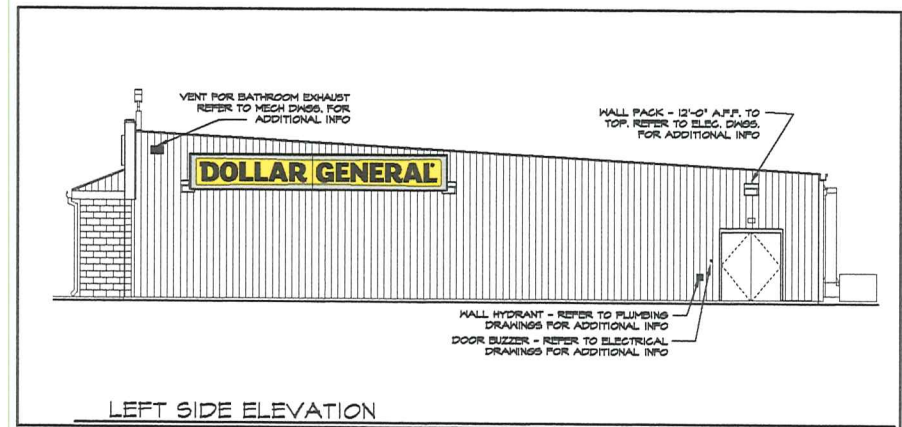
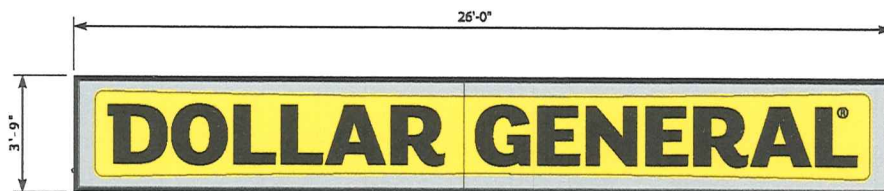
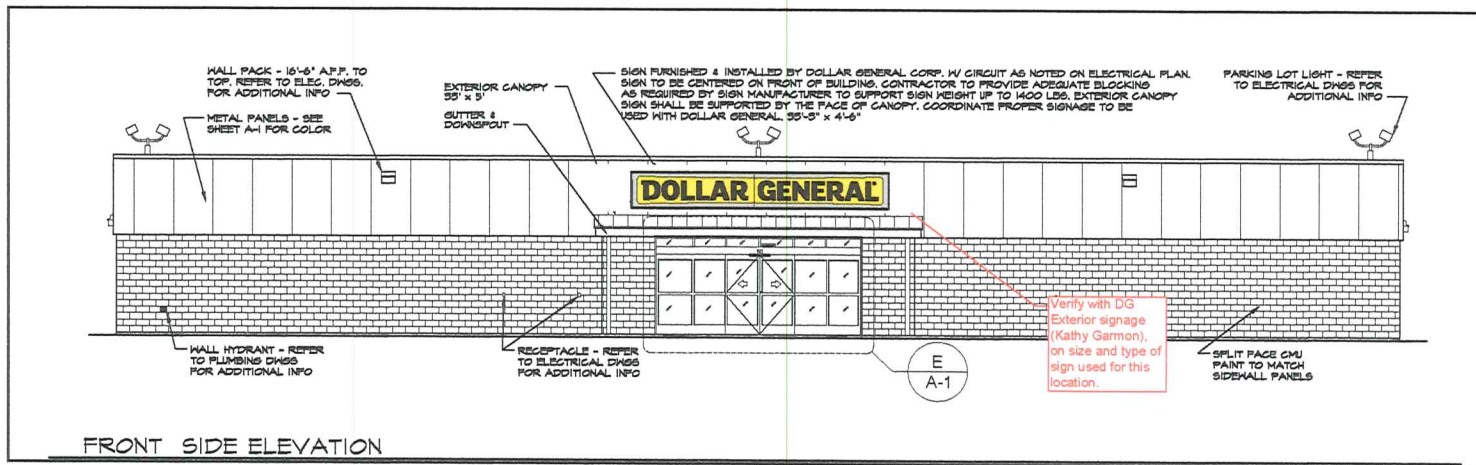
Date: 04/16/2013

Approved By:



135 SOUTH DAVID LANE  
KNOXVILLE, TN 37922  
OFFICE: 865-539-4001  
FAX: 865-539-0851  
WWW.LINKENGR.COM





**DISCLAIMER:** Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Customer: Dollar General

Project No: 297676

Scale: NTS

Date: 7/8/13

Drawn By: RB

Location & Site No: 2901 Armistead Ave.

Hampton, VA Site: DG147985

Description:

3'-9" x 26'-0" Single Face Wall Sign

Revised:

Revised:

**Customer Approval:** NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.

Please read carefully, check appropriate box and fax back to Everbrite:

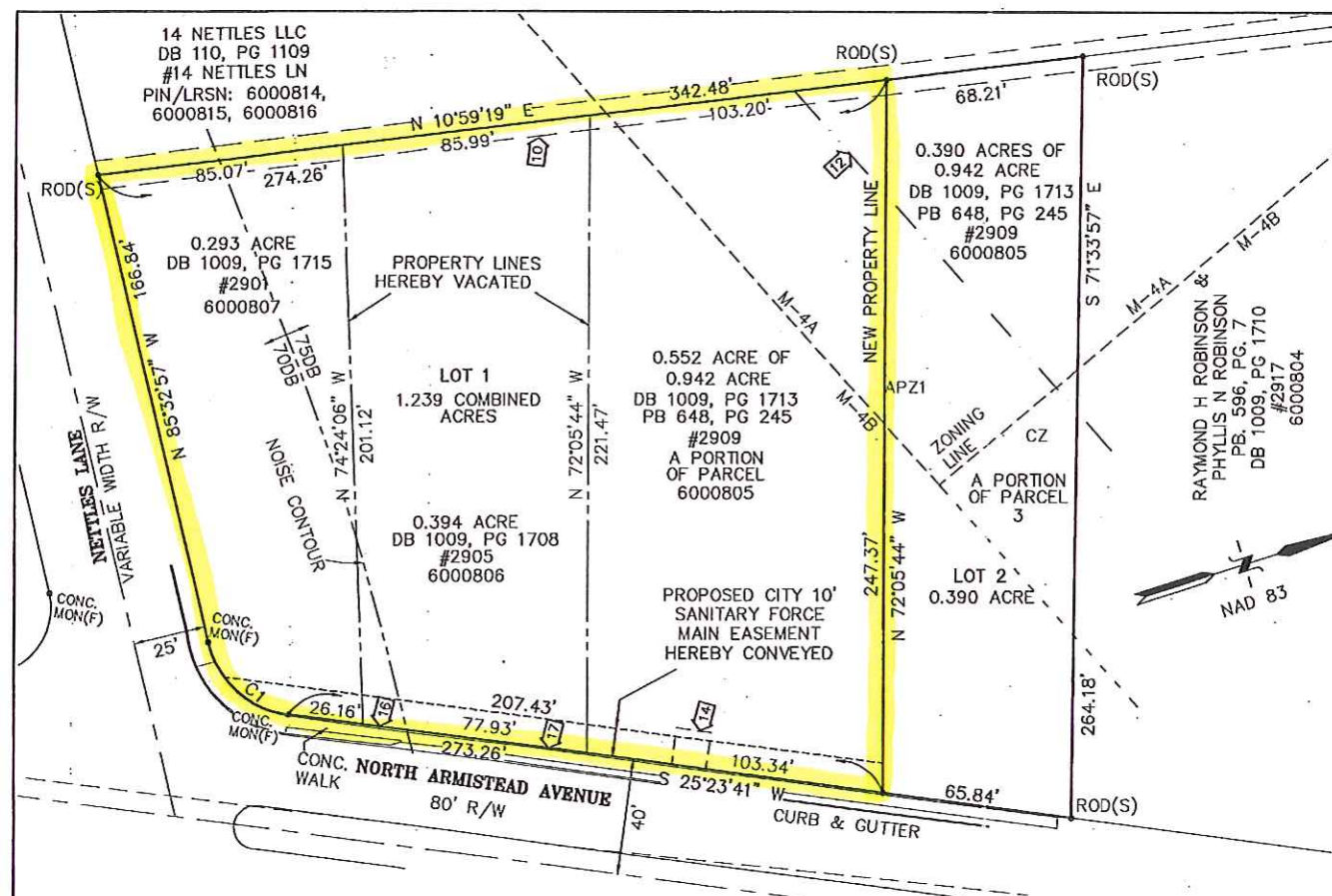
☐ Sketch OK as is  
☐ New sketch required

SIGNATURE

DATE



Yorise PB 4 page 46 sheet 1281

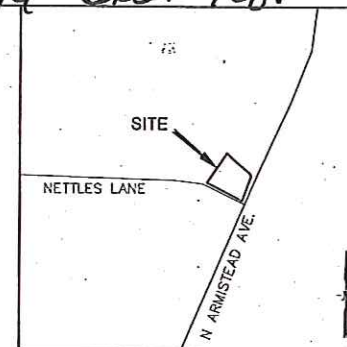


ENCUMBRANCES PER CHICAGO TITLE INSURANCE COMPANY  
TITLE NUMBER: RB13-2772

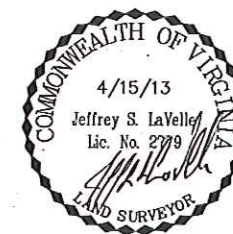
INSTRUMENT	GRANTEE	DESCRIPTION
10 DB. 1342, PG. 1125	CITY OF HAMPTON	10' STORM DRAIN EASEMENT AFFECTS PARCEL
12 DB. 260, PG. 59	UNITED STATES OF AMERICA	CLEARANCE EASEMENT AFFECTS PARCEL NON SURVEY MATTERS NOT PLOTTABLE
13		
14 DB. 672, PG. 113	COMMONWEALTH OF VIRGINIA	PERMANENT DRAINAGE EASEMENT AFFECTS PARCEL
16 DB. 679, PG. 790	COMMONWEALTH OF VIRGINIA	CERTIFICATE OF RIGHT OF WAY TAKE AFFECTS PARCEL
17 DB. 707, PG. 854	STATE HIGHWAY AND TRANSPORTATION OF VIRGINIA	RIGHT OF WAY DEDICATION AFFECTS PARCEL

LEGEND

(S) = SET  
(F) = FOUND



VICINITY MAP  
1" = 800'



OWNERS INFORMATION

RAYMOND H ROBINSON &  
PHYLLIS N ROBINSON  
DB 1009, PG 1713 (6000805)  
DB 1009, PG 1708 (6000806)  
DB 1009, PG 1715 (6000807)

NOTES:

- 1) NO CEMETERIES WERE OBSERVED WHILE PERFORMING A PERIMETER SURVEY.
- 2) ALL RODS SET ARE 3/8 REBAR UNLESS OTHERWISE NOTED.
- 3) THE LAND BOUNDARY SHOWN HEREON IS BASED UPON A CURRENT FIELD SURVEY.
- 4) THIS PROPERTY SHOWN ON THIS PLAT LIES WITHIN FLOOD ZONE X AS SHOWN ON COMMUNITY PANEL NO: 5155270109G EFFECTIVE DATE AUGUST 16, 2011.
- 5) ALL EXISTING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.
- 6) "This site lies within the Aircraft Accident Potential Zone and / or the Noise Zone and may be subject to aircraft accidents and/or above average noise levels due to its proximity to airport operations. Noise attenuation measures for new construction may be required in accordance the Airport Noise Attenuation and Safety Ordinance. Height restrictions shall be imposed in accordance with the Hampton City Zoning Ordinance."

OWNER'S CONSENT AND DEDICATION

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND CONTAINING 1.629 ACRES OF LAND IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

GIVEN UNDER MY HANDS THIS 16th DAY OF Sept 2013.

*Raymond H Robinson*  
RAYMOND H ROBINSON - OWNER

SOURCE OF TITLE

THE SAID 1.629 ACRES OF LAND HEREBY SUBDIVIDED HAVING BEEN CONVEYED TO RAYMOND H ROBINSON AND PHYLLIS N ROBINSON BY D.B. 1009, PG 1708, DB 1009, PG. 1713, DB 1009, PG 1715 PG. 2920 AND INSTRUMENT #130013291, RECORDED IN THE CLERKS OFFICE OF THE CITY OF HAMPTON, VIRGINIA.

STATE OF Virginia  
CITY/COUNTY OF Newport News, TO WIT:

I, Heather Mae Forbes, A NOTARY FOR THE CITY AND STATE AFORESAID, DO HERBY CERTIFY THAT RAYMOND H ROBINSON, OWNER OF record, WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID. HE IS ☒ PERSONALLY KNOWN TO ME OR ☐ HAS PRODUCED AS IDENTIFICATION,

GIVEN UNDER MY HAND THIS 16th DAY OF Sept, 2013.

*Heather Mae Forbes*

REGISTRATION NUMBER: 7101518

MY COMMISSION EXPIRES: 7/31/2015



THE UNDERSIGNED CERTIFIES THAT THIS PLAT IS IN CONFORMANCE WITH ALL PROVISIONS OF THE CITY OF HAMPTON, VIRGINIA SUBDIVISION CODE THE UNDERSIGNED DOES NOT CERTIFY AS TO THE CORRECTNESS OF THE STREETS, BOUNDARIES, OR OTHER LINES AS SHOWN ON THIS PLAT.

NAME: *Fred Jett* CITY OF HAMPTON SUBDIVISION AGENT

DATE: 9-16-2013

STATE OF VIRGINIA  
CITY OF HAMPTON

IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE CITY OF HAMPTON VIRGINIA, THE DAY OF Sept 17th, 2013, THIS PLAT WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS IN M.P.B. 4, PG. 46

TESTE: *Linda Bachelor Smith*, Clerk  
CLERK

BY: *Michael Brown, Jr.*

PLAT SHOWING A NEW PROPERTY LINE, A PARCEL LINE VACATION AND A PROPOSED CITY 10' SANITARY FORCE MAIN LYING ON THE WEST LINE OF NORTH ARMISTEAD AVENUE

CITY OF HAMPTON, VIRGINIA  
DATE: APRIL 15, 2013 SCALE: 1" = 40'  
JL SURVEYING, LLC.  
365 DEEP CREEK ROAD  
CREWE, VIRGINIA 23930  
PH 434-645-7960 FAX 888-504-5252  
jmlavelle@yahoo.com  
M.B.P. PG.  
JOB # 13029 SHEET 1 OF 1 DWG # 13029SUB

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	33.00'	39.77'	37.41'	N 59°55'22" E	69°03'22"

